



**CITY COUNCIL**

JAN SUMRALL  
DISTRICT NO. 1

ROSE RODRIGUEZ  
DISTRICT NO. 2

LARRY M. MEDINA  
DISTRICT NO. 3

JOHN F. COOK  
DISTRICT NO. 4

DANIEL S. POWER  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

LUIS G. SARIÑANA  
DISTRICT NO. 7

ANTHONY COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
DECEMBER 3, 2002  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Rose Rodriguez, John F. Cook, Daniel S. Power and Luis G. Sariñana. Late arrival: Council Members Jan Sumrall, Larry M. Medina, Paul J. Escobar and Anthony Cobos arrived late. Absent: None. Meeting was called to order and a moment of silence was observed, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

**MAYOR'S PROCLAMATIONS**

1. Celebration from the City of El Paso for the Association of the United States Army
2. Oro's Cotillion Day
3. Operation Santa Claus
4. Christmas Tree in Lights Day

Motion made by Representative Medina, seconded by Representative Sumrall and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.  
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

Representative Escobar was not present for the vote.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the City Attorney is authorized to sign a Subscription Agreement and related documents for LexisNexis research service.

**\*RESOLUTION**

**WHEREAS**, the Arts & Culture Department of the City of El Paso promotes the arts in El Paso; and

**WHEREAS**, the Arts & Culture Department puts on various cultural presentations throughout the City, in furtherance of the Department's mission; and

**WHEREAS**, the Arts & Culture Department desires use of the Chamizal National Memorial for various cultural presentations, in furtherance of its mission; and

**WHEREAS**, the Chamizal National Memorial is a National Park and requires a Special Use Permit for the use of such park grounds;

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to execute a Special Use Permit on behalf of the City of El Paso's Arts & Culture Department in order to use the Chamizal National Memorial for the promotion of yearly cultural presentations. The cost to the City for such permit is \$3,025.00.

**\*RESOLUTION**

**WHEREAS**, in accordance with Section 18.52.040 and Section 18.52.080 of the El Paso City Code, the City Council of the City of El Paso, by Resolution dated the 18th day of September 18, 2001, after due notice and hearing, ordered MARCELINO CASTILLO, record Owner of the hereinafter described property that the Building be secured within thirty (30) days and clean the premises of all weeds, trash, and debris all within thirty (30) days, and the Owner having failed after due notice to comply with such ORDER, any mortgagees, lien holders and other persons having an interest in the property have an additional ten (10) days to secure the Building and clean the premises of all trash, debris, and the mortgagees, lien holders and other persons having an interest in the property failed after due notice to comply with such ORDER, the Street Department of the City of El Paso to proceed to secure the Building and clean the premises of all weeds, trash, and debris.

**WHEREAS**, the Deputy Director for Building Services Department has reported the cost of doing such work in the amount hereinafter set forth;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the City Council determines the actual cost of securing the Building and cleaning the premises of all weeds, trash and debris from the property, more particularly described as:

Lots 31 and 32, Block 39, Manhattan Heights Addition, an addition to the City of El Paso, El Paso County, Texas, more particularly described as 2731 Portland Avenue, El Paso, Texas,

to be \$2,008.36, performed by the Street Department of the City of El Paso, \$453.80 incurred by the City Attorney's Office and City Clerk's Office in providing notice, and obtaining title report, making a total of \$2,462.16. The City Council finds that the work was completed on the 2nd day of October, 2002, and approves the costs.

2. That the City Council, in accordance with Section 18.52.040 of the El Paso City Code, declares the above total amount of TWO THOUSAND FOUR HUNDRED SIXTY-TWO AND 16/XX DOLLARS (\$2,462.16) to be a lien on the above-described property.

3. That the City Clerk is directed to give notice of this lien by filing a copy of this Resolution for record with the County Clerk.

4. That all records of the City Clerk's Office relating to the proceeding against the above-described property are made a part of this Resolution by reference.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign a third amendment to the Agreement for Financial Advisory Services ("Agreement") between the City and First Southwest Company, extending the term of the agreement through January 5, 2006.

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign, on behalf of the El Paso City-County Health and Environmental District, the following contract amendment and renewal with the Texas Department of Health:

Toxic Substances Control Division  
Document No. 7460007499-2003, Attachment No. 15

Motion made, seconded and unanimously carried to move to the regular agenda the following request for street and drainage improvements in Stanton Heights Unit Four subdivision.

Motion made by Representative Power, seconded by Representative Cook and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Stanton Heights Unit Four  
Owner/Developer: JNC Land Co., Inc.  
Consultant: ATCON Engineering

Street Improvements:

Edgemere Boulevard – from the west property line of Saul Kleinfeld Drive to the west subdivision boundary line

Drainage Improvements:

Surface Drainage

NOTE: Request under Street Improvements was revised from "south" to "west" subdivision boundary.

\*Motion made, seconded and unanimously carried to approve the request for the following names to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

- A. Pasillas, Noel – Recreation Leader II
- B. Spencer, Ernesto – Police Officer
- C. Rodriguez, Enrique – Firefighter

\*Motion made, seconded and unanimously carried to re-appoint Melvin G. Glass to the Plumbing & HVAC Board of Appeals by Representative Anthony Cobos.

\*Motion made, seconded and unanimously carried to re-appoint Belen Robles to the History Museum Board by Representative Anthony Cobos.

\*Motion made, seconded and unanimously carried to re-appoint Oscar E. Venegas, P.E. to the City Plan Commission by Representative Anthony Cobos.

\*Motion made, seconded and unanimously carried to appoint Tracy Yellen to the Charitable Solicitation Commission by Representative Anthony Cobos.

\*Motion made, seconded and unanimously carried to appoint Jorge L. Azcarate to the El Paso Mountain Committee by Representative Larry M. Medina.

\*Motion made, seconded and unanimously carried to postpone one (1) week Bid No. 2002-225 Uniforms for the Street Department

Award to: Vendor (1): Workwear Safety Shoes  
El Paso, Texas  
Item (s): #1 and #11  
Amount: \$30,189.50 (estimated annually)

Award to: Vendor (2): Iron Age Corporation  
Pittsburgh, PA  
Item (s): #2  
Amount: \$2,925.00 (estimated annually)

Award to: Vendor (3): 9MM Firearms & Accessories, LLC  
Corpus Christi, Texas  
Item (s): #3  
Amount: \$3,208.04 (estimated annually)

Award to: Vendor (4): Bazaar Uniforms & Men's Store  
El Paso, Texas  
Item (s): #4, 5, 7, 8 and 10  
Amount: \$32,876.15 (estimated annually)

Award to: Vendor (5): Tiger Innovations Group  
Ellington, CT  
Item (s): # 6 and 9  
Amount: \$17,389.00 (estimated annually)

Department: Street  
Funds available: 32010159-503123-32010200-503120  
Funding source: 01101  
Total award: \$86,587.69

The Street and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor #1 offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award. Vendors #2, 3, 4, & 5 offer the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year from the date of the award. Vendor #4 also offers the City a prompt payment discount of 1% 10 days. This is a Requirements Type Contract with an initial term of Twenty-Four months.

\*Motion made, seconded and unanimously carried to approve the request of the City of El Paso Parks and Recreation/Aquatics to hold Christmas Lights Parade on Saturday, December 7, 2002 from 6:00 p.m. to 8:30 p.m. Route will flow west on Mills, turn north on Campbell, west on Main, south on Oregon, east on Mills past Campbell and disperse as it was staged using Virginia, Ochoa, etc. Approximately 400 persons, 50 vehicles, 10 animals, 15 floats will take part and 30,000 spectators are anticipated. This request also includes permission to use amplification (entertainment by participants) PERMIT NO. 02-189. [Karen Fuller]

\*Motion made, seconded and unanimously carried to approve the request of Raul & Betty Figueroa to block off Tom Weiskopf between 11057 to 11065 on December 7, 2002 from 3:00 p.m. to 5:00 p.m. for a block party (religious ceremony). Approximately 50 persons will take part and 50 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices." PERMIT NO. 02-191 [Betty Figueroa]

\*Motion made, seconded and unanimously carried to delete an Ordinance changing the zoning of Lot 12 and a portion of Lot 11, Block 20, SECOND AMENDED MAP OF WEST YSLETA, El Paso, El Paso County, Texas (115 N. Davis Drive) from R-4 (Residential) to A-2 (Apartment). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Young Women's Christian Association (YWCA) / Representative: Conde Inc., 1790 Lee Treviño Drive, Suite A, El Paso, TX 79907. ZC-02036.

Motion made by Representative Cobos, seconded by Representative Sariñana and unanimously carried to postpone one (1) week an Ordinance changing the zoning of Lots 15 & 16, Block 86, FRANKLIN HEIGHTS ADDITION, El Paso, El Paso County, Texas (1207 Arizona Avenue) from R-5 (Residential) to S-D (Special Development). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant/Representative: Charles Alcantar, 1155 Westmoreland, Suite 107, El Paso, TX 79925. ZC-02031.

Representative Cobos questioned the zoning restrictions.

Mayor Caballero questioned Representative Cobos about the location and intended usage.

Representative Cobos asked about the Development Coordinating Committee's objections to the rezoning.

Ms. Patricia Adatao, Director of Planning, Research and Development, explained the zoning history on the site and the allowed usage under the zoning, showed slides of the site.

Mr. Charles Alcantar, applicant, stated the he would like to revitalize the building and explained the intended use.

Ms. Cindy Crosby, Assistant City Attorney, explained the legality of zoning restrictions.

Representative Sumrall questioned the applicant for the particulars on the use of the building.

Representative Medina questioned the applicant about parking.

Mr. Alcantar replied that he would have to come back and ask for a parking restriction permit as the property's usable space is only 2,500 sq. ft.

Ms. Adatao explained that regulation requires one parking space for every 200 sq. ft. of office space. The size of this property is 6,000 sq. ft. total, requiring 30 parking spaces.

ORDINANCE 15299



ORDINANCE 15300

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE LEASE OF THE WELLINGTON CHEW SENIOR CITIZEN CENTER TO THE WELLINGTON CHEW SENIOR ADVISORY COMMITTEE, INC., TO CONDUCT BINGO FOR THE BENEFIT OF SENIOR CITIZENS.**

Representative Sumrall commented.

Mr. Ray Cox, Director of Parks and Recreation, gave the particulars.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Rodriguez, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

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\*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance granting to Southern Union Company, a Delaware Corporation, permission and authority to assign and transfer to ONEOK, Inc., an Oklahoma Corporation, its rights and obligations under Ordinance No. 014360, as amended by Ordinance No. 014496, which grants certain non-exclusive powers, licenses, rights-of-way, privileges and franchise to construct, operate and maintain in the City of El Paso, Texas, a natural gas distribution system.

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\*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 105 N. Oregon St., in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of record as of June 13<sup>th</sup> 2002, Caples Land Company L.L.C., C/O William D. Abraham, President, 717 East San Antonio Ave., El Paso, Texas 79902, has been notified of the violations at this property. As of September 17, 2002, \$77,763.55 is owed in taxes. As of November 20, 2002, \$78,717.62 is owed in delinquent taxes.

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RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 125 N. Glenwood Street, in El Paso, Texas, which property is more particularly described as follows:

Lot: 10, Block 3, Alameda Acres, an Addition to the City of El Paso, El Paso County, Texas,  
According to the map thereof on File in Book 4, Page 12, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Estate of Delia Sanchez De Ulloa, 5765 Brand Court, El Paso, Texas 79905, record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on December 3<sup>rd</sup>, 2002; and

WHEREAS, Laura Diaz, Executrix of the Estate of Delia Sanchez De Ulloa APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structures located on said property are condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structures are not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
  - c. The structures' certificates of occupancy are hereby revoked; and
  - d. That the accessory structures cannot be repaired, and
  - e. That the main structure can be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
  - a. That the primary Building be secured within (30) days; and
  - b. Demolish the dilapidated accessory structures within (30) days; and
  - c. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - d. That a public hearing be scheduled for February 4<sup>th</sup>, 2003 in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and
  - e. That the Owner of said Buildings is hereby ordered to comply with all requirements of the Resolution; and
  - f. The owner is advised that in order to obtain a new certificate of occupancy, the primary building and its service systems must be brought into compliance with the current codes.
  - g. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the primary Building and demolish the dilapidated accessory structures and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall secure the primary Building, demolish the dilapidated accessory structures, maintaining the primary Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owner shall become personally liable for all costs incurred by City in connection with securing the primary structure and demolishing the dilapidated accessory structures and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with securing the primary Building, demolishing the accessory structures, and the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
  - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and



- b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgages or lien holders to restore the Buildings so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
  8. The Owner, any mortgagees, or lien holders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
  9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
  10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. the affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Tom Maguire, Building Permits and Inspections, presented case to Council Members and gave the department's recommendation(s).

There being no further public comment, the vote was taken.

Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to approve the above Resolution.

Representative Cobos was not present to vote.

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 \*Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 6005 Marlin Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, Luis Hernandez and Consuelo M. Hernandez, 6005 Marlin Drive, El Paso, Texas 79924 and 9736 Blue Wing Drive, El Paso, Texas, 79924, have been notified of the violations at this property.  
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## RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor and City Council accept the recommendation from the Parks and Recreation Advisory Board at their regular meeting and the Department of Parks & Recreation to rename Vista Del Sol Park to the **"REESE MCCORD"** Park. The group requesting this specific name shall incur the customary costs associated with the naming or renaming of a park or park facility, such as installing or replacing signs with the park name or any other signs posted or affixed for a facility. Proposed signs shall be acceptable to both the Parks and Recreation Department and the individual(s) or group making the request.

Representative Power questioned if there was any opposition to the name change.

Mr. Ray Cox, Director of Parks and Recreation, replied no.

Mr. Bob Valenzuela, citizen, spoke in favor of renaming the park and gave background on Mr. McCord's sports history.

Representative Power stated he was honored to recognize Mr. McCord.

Representative Cook stated that Mr. McCord passed away in June, 2000, and even though he was not a native El Pasoan, he provided valuable community service to the youth. He was impressed with the collection of signatures to rename the park.

Mrs. McCord, wife of Mr. Reese McCord, thanked everyone for the work and for the dedication.

Representative Rodriguez asked questions to which Mr. Cox gave responses.

Motion made by Representative Power, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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Motion made by Representative Medina, seconded by Representative Sumrall and unanimously carried to move the resolution below into executive session pursuant to section 551.071, Consultation With Attorney.

**A RESOLUTION THAT THE CITY OF EL PASO CONSENT TO CREATION OF PASEO DEL ESTE MUNICIPAL UTILITY DISTRICTS ONE THROUGH NINE AS REQUESTED JOINTLY BY BARRY LANG AND THE MBJR TRUST AND THE STATE GENERAL LAND OFFICE FOR CERTAIN LANDS LOCATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF EL PASO, TEXAS.**

**WHEREAS**, the Texas General Land Office, and Barry Lang and the MBJR Trust, together being a majority in value of the holders of title of the land within the proposed Paseo Del Este Municipal Districts One through Nine, have petitioned the City of El Paso for its consent to create nine Municipal Utility Districts (hereinafter referred to as a "M.U.D.") for parcels located in El Paso's Extraterritorial Jurisdiction (ETJ) pursuant to provisions of Chapters 49 and 54, Texas Water Code and Section 42.042 of the Texas Local Government Code for the purpose of providing water and wastewater facilities; and

**WHEREAS**, a resolution approving such consent to creation of a M.U.D. in the City's ETJ must be passed by the City Council of the City of El Paso, Texas, prior to inclusion of such land in a district; and

**WHEREAS**, the Petitioners are in agreement with the terms and conditions of this consent by the City and certify they will comply with same;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:**

**THAT**, pursuant to the provisions of the Texas Water Code and the Texas Local Government Code, the City of El Paso, Texas hereby consents to creation of Paseo Del Este Municipal Utility Districts One through Nine in the City of El Paso's Extraterritorial Jurisdiction for the purpose of providing water and wastewater facilities for the lands, which are more fully described in the attached metes and bounds descriptions identified as Exhibits "A" through "I" and made a part hereof by reference.

This authorization for consent to creation of Paseo Del Este Municipal Utility Districts One through Nine in the City's ETJ made herein by the City of El Paso is given, subject to the following conditions:

1. Each M.U.D. must construct all facilities in accordance with plans and specifications approved by the City, through its Public Service Board, for water and wastewater facilities, and by the City for drainage facilities; such approval not to be unreasonably withheld, and to be acted upon within 45 days after submission of same to the City.
2. The City, as well as the PSB, respectively, shall have the right to inspect all facilities constructed by each M.U.D.;
3. The City shall review and approve the Districts' bonds and notes prior to issuance and may place restrictions on the terms and provisions of each of the district's bonds and notes issued to provide service to the land and conditions on the sale of the district's bonds and notes to the extent such restrictions and conditions do not generally render the bonds and notes of the districts unmarketable, not to be unreasonably withheld and such action to be taken within thirty days after written request by a district.
4. Each M.U.D. shall not incur or sell bonds for any purpose other than to finance purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvement facilities, plants, equipment and appliances necessary to:
  - a. provide a water supply for municipal, domestic or commercial purposes;
  - b. collect, transport, process, dispose of and control all domestic, industrial or commercial wastes whether in fluid, solid, or composite state; and
  - c. gather, conduct, divert and control local storm water or other local harmful excesses of water in the districts and the payment of organization expenses, as well as both interest and operational expenses during construction.
5. No additional land shall be added or annexed to any M.U.D. without it being submitted to the City for its consent and acted upon in accordance with Section 54.016 of the Texas Water Code.
6. No M.U.D. shall furnish water or wastewater services to any subdivision or customer in any subdivision unless such subdivision complies with all applicable City subdivision ordinances.
7. The landowners shall negotiate in good faith over the next 120 days to try to reach agreement with the City through its Public Service Board for wholesale water and wastewater service to the districts based on cost of service rates. If such an agreement shall be reached, service shall be provided only to the land in the districts unless otherwise consented to by the City, through its PSB, and consistent with regional water conservation plans.

Representatives Sumrall and Cook asked questions.

Ms. Patricia Adatao, Director of Planning, Research and Development, presented back up information. She also stated that the Development Coordinating Committee voted to deny the request and that the City Plan Commission approved it by a vote of four (4) to three (3). Ms. Adatao read into the record the sixteen (16) recommended requirements from the Planning Department.

Ms. Lisa Turner, citizen, questioned the enforcement on the 16 conditions.

Mr. Ron Freeman, attorney representing the Municipal Utilities District (MUD), stated that his clients had not seen the resolution with the sixteen conditions, instead they have only seen the Resolution that contains the three conditions as posted on the city's website, which they believe are authorized by statute. His client is not ready to agree with the 16 conditions.

Representative Cook stated his disappointment with the Public Service Board and staff on receiving an email at 6:52 p.m., Sunday evening, changing the Resolution this morning. The City had ninety (90) days to analyze this.

Mr. Charlie McNabb, Chief Administrative Officer, gave the particulars.

Mayor Caballero stated that this was not a Public Service Board issue.

Representative Medina stated that this issue requires a lot of input and needs to be explained. He requested last minute back up from the staff.

Representative Sumrall questioned what the requirements are for MUDs to drill water and what the property will be used for.

Mayor Caballero requested that the Planning Department turn in back up on time.

Ms. Turner, citizen, expressed her concerns and asked questions.

Mr. Ed Archuleta read the Resolution and the conditions into the record. He pointed out that there were some changes made as they were not permitted by state statute.

Representative Sumrall questioned the term limits.

Mr. Freeman added there had to be five (5) elected officials, no term limits. State law would have to be amended.

Representative Escobar questioned if both sides were in agreement.

Representative Medina thanked everyone for negotiating in good faith.

Motion made by Representative Escobar, seconded by Representative Sariñana and unanimously carried to approve the above Resolution.

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Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to postpone one (1) week the discussion and action on a recommendation by the Bond Overview Advisory Committee that the design of the Reptile House be moved forward, and if feasible, that the construction bid be combined with the Zoo Support Facilities, provided it does not delay or impede construction of the Zoo Support Facilities.

Representative Rodriguez questioned how many projects were moved back for this project.

Representatives Cook, Medina and Cobos asked questions.

Mr. Charlie McNabb, Chief Administrator Officer, gave the particulars.

Representative Medina questioned the current procedure to move project forward.

NOTE: This item was considered with the next item.

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Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to postpone one (1) week the discussion and action on a recommendation by the Bond Overview Advisory Committee that the San Jacinto Park Project be moved from Year 2005 to 2003, finding that maximum efficiencies will be achieved by combining the restoration of the 'Lagartos Statue' with the work proposed for San Jacinto Park.

See discussion on previous item.

NOTE: This item was considered with the previous item.

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Motion made Representative Escobar, seconded Representative Cobos and carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

AYES: Representatives Sumrall, Rodriguez, Cook, Power, Escobar, Sariñana and Cobos  
NAYS: Representative Medina

- A. An Ordinance authorizing the Mayor to sign, on behalf of the City of El Paso, an Agreement with El Paso Golden Gloves Association authorizing the use of the Carolina Recreation Center, located at 563 N. Carolina, El Paso, Texas, from February 7, 2003, through February 9, 2003, and requiring the payment of \$1,000.00 as consideration for that use.

**PUBLIC HEARING WILL BE HELD ON DECEMBER 17, 2002 FOR ITEM A**

- B. An Ordinance granting Special Permit No. SP-02022, to allow for a cellular telecommunications antenna facility with a 75 ft. monopole and equipment shelter on a Portion of Lot 1, Block 12, APOLLO HEIGHTS UNIT 4, El Paso, El Paso County, Texas (10450 Kenworthy) pursuant to Section 20.12.040T (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. ZONE: R-3/sc (Residential/special contract). Applicant: Alltel Communications/ Representative: Romano & Assoc., 4520 Montgomery Blvd., Suite 5, Albuquerque, NM 87109.
- C. An Ordinance changing the zoning of a Portion of Tracts 17, 18 & 19, PALMDALE ACRES, El Paso, El Paso County, Texas (7247 North Loop) from R-F (Ranch-Farm) to C-2 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Navar Irrevokable Trust / Representative: Luis de la Cruz, 9013 Lait, El Paso, TX 79925. ZC-02046
- D. An Ordinance changing the zoning of Tracts 2A & 3A, Block 3, YSLETA GRANT (Americas Avenue, southwest of North Loop) from R-F (Ranch-Farm) to C-2 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: West Texas Credit Union / Representative: Kistenmacher Engineering Co., Inc., 1420 Geronimo, Suite A-2, El Paso, TX 79925. ZC-02048

- E. An Ordinance changing the zoning of all of Tract 7B, Block 35, YSLETA GRANT, El Paso, El Paso County, Texas (between Loop 375 and Independence Drive) from R-F (Ranch and Farm) to A-2 (Apartment). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Tropicana Homes, Inc. / Representative: CEA Engineering Group; 2718 Wyoming Avenue, El Paso, TX 79903. ZC-02042
- F. An Ordinance changing the zoning of a portion of Tracts 13 and 14, J. L. Johannsen Survey No. 185, El Paso, El Paso County, Texas (5940 Doniphan Drive) from R-3 (Residential) to C-3 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant/Representative: Bahram Shirazi, 912 Singing Hills Drive, El Paso, TX 79912. ZC-02044

**PUBLIC HEARING WILL BE HELD MONDAY, DECEMBER 23, 2002 FOR ITEMS B - F**

Public Hearings will be held as part of the regular City Council meeting, which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

**ADDITION TO THE AGENDA**

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a grant application, including all understandings and assurances contained therein, to the Office of the Governor, Criminal Justice Division for Violence Against Women Act (VAWA) grant funds in the amount of \$79,880.00 to pay for personnel and related costs to continue the Domestic Abuse Response Team of the El Paso Police Department. Matching funds required in the amount of \$62,899.00. The Grant Officials will be as named within the application.

That the El Paso City Council agrees in the event of loss or misuse of Violence Against Women Act Grant funds, the funds will be returned to the Office of the Governor, Criminal Justice Division, in full.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit a grant application, including the assurances, from the City of El Paso Police Department for a Juvenile Accountability Incentive Block Grant in the amount of \$233,911.00 from the Office of the Governor, Criminal Justice Division, for the Serious Habitual Offenders Comprehensive Action Program (SHOCAP) to pay the salaries of two police officers and one clerk typist III; to purchase equipment, supplies and training; to enable juvenile courts and juvenile probation to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism; and to enable prosecutors to address drugs, gangs, and youth violence problems more effectively. Matching funds required in the amount of \$25,990.00.

That the El Paso City Council agrees in the event of loss or misuse of Criminal Justice Division Grant funds, the funds will be returned to the Office of the Governor, CJD in full.

## \*R E S O L U T I O N

### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following contract on behalf of the Parks & Recreation Department. Funding for this contract is in fiscal year 2002-2003 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

#### AQUATICS

**DEPARTMENT ID: 51010281, ACCOUNT 501011**

1.     **CONTRACTOR:**       Jessica E. Sanchez, Indoor Pool Manager, Step 1  
      **DATES:**           December 03, 2002 thru September 30, 2003  
      **RATE PER HR:**     \$7.75  
      **CONTRACT NO:**   2002/2003-156

.....  
\*Motion made, seconded and unanimously carried to approve budget transfer BT2003-116 AIRPORT

Set up funding for computer software for Auto Shop use in vehicle repair. Software will provide parts list and specifications on all domestic vehicles.

Increase	\$2,000	to	62620020/P50000441022/508010	Data Proc Equip
Increase	\$2,000	to	62620020/P50000441022/407001	Intrfd Trf In
Increase	\$2,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$2,000	to	62620018/P50000241021/507001	Intrfd Trf Out

.....  
\*Motion made, seconded and unanimously carried to approve budget transfer BT2003-117 AIRPORT

Transfer of appropriations to fund two Communications Dispatcher II positions.

Increase	\$52,740	to	62620002/40101/501000	Salaries
Increase	\$ 726	to	62620002/40101/501007	Longevity
Increase	\$ 776	to	62620002/40101/501130	FICA Med
Increase	\$ 3,316	to	62620002/40101/501129	FICA City Match
Increase	\$ 8,400	to	62620002/40101/501108	POS C/ EmptyContrib
Increase	\$ 70	to	62620002/40101/501114	Life Insurance
Increase	\$ 5,480	to	62620002/40101/501124	CityPensionPIContrib
Increase	\$ 214	to	62620002/40101/501100	Wrk's Comp
Increase	\$71,722	to	62620002/40101/407001	Intrafd Trf In
Increase	\$71,722	to	62620018/P50000241021/407002	Est Rev
Increase	\$71,722	to	62620018/P50000241021/507001	Intrafd Trf Out

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\*Motion made, seconded and unanimously carried to approve budget transfer BT2003-119 POLICE

To establish FY03 budget to purchase items for DARE Program.

Increase	\$47,000	to	21150070/P50023416412/405065	Misc NonOp Rev
Increase	\$41,000	to	21150070/P50023416412/502116	Promo Serv
Increase	\$ 1,500	to	21150070/P50023416412/502215	Outside Contacts
Increase	\$ 1,000	to	21150070/P50023416412/504402	Gen Lic Ins
Increase	\$ 3,500	to	21150070/P50023416412/504406	Oth Serv

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\*Motion made, seconded and unanimously carried to approve budget transfer BT2003-229 AIRPORT

Transfer of funding to acquire two laptop computers to be used (1) by the Operations Officers for field work and to program the Motorola radios and (2) by Administration personnel for presentations such as Airport Board meetings, security training and station managers' meetings.

Increase	\$4,712	to	62620020/P50000441022/508010	Data Process Eq
Increase	\$4,712	to	62620020/P50000441022/407001	Intrfd Trf In
Increase	\$4,712	to	62620018/P50000241021/407002	Est Rev
Increase	\$4,712	to	62620018/P50000241021/507001	Intrfd Trf Out

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## RESOLUTION

### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Release of Contract Conditions, for a contract executed May 21, 1969, between Richard Burges Perrenot, Mary Austin Fraser, and Ann Perrenot Georges and the City of El Paso, in reference to a zoning change documented by Ordinance No. 4206, approved on May 22, 1969, as amended by Ordinance No. 4236, approved on July 24, 1969, to release conditions only on the property described as *a portion of Lot 1, Block 1, BALCONES CORONADO, El Paso, El Paso County, Texas.*

Representative Sumrall asked questions.

Ms. Pat Aduato, Director of Planning, Research and Development, gave the particulars and stated that there is no opposition.

Ms. Yolanda Giner, attorney representing the applicant, made comments.

Motion made by Representative Sumrall, seconded by Representative Cook and unanimously carried to approve the above Resolution.

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Motion made by Representative Cobos, seconded by Representative Sumrall and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:10 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

Discussion and action on the following:

- A. Roberto Azar v. City and Officer Aguilar, Cause No. 2002-2175, Our File No. 02-S-23 (551.071)
- B. Hector and Maria Lopez, 01-C-037 (551.071)
- C. Discussion and action regarding a request for the City of El Paso to consent to the creation of "Paseo Del Este" Municipal Utility Districts Nos. 1-9 located within the City's East Extraterritorial Jurisdiction. (551.071)

Motion made by Representative Rodriguez, seconded by Representative Cook and unanimously carried to adjourn the Executive Session at 11:29 a.m. and reconvene the meeting of the City Council, during which time motions were made as follows:



Representative Escobar was not present for the vote to adjourn Executive Session.

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Motion made by Representative Medina, seconded by Representative Cook and unanimously carried that the City Attorney be **AUTHORIZED SETTLEMENT AUTHORITY** in the lawsuit entitled **Roberto Azar vs. City of El Paso and Office Aguilar; Cause No. 2002-2175; Our File No. 02-S-23**, as recommended by the City Attorney.

Representatives Power and Escobar were not present for the vote.

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Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to delete Hector and Maria Lopez, 01-C-037 (551.071).

Representatives Power and Escobar were not present for the vote.

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Motion made by Representative Escobar, seconded by Representative Sariñana and unanimously carried to approve a Resolution that the City of El Paso consent to creation of Paseo Del Ester Muncipal Utility Districts one through nine as requested jointly by Barry Land and the MBJR Trust and the State General Land Office for certain lands located within the extraterritorial jurisdiction of the City of El Paso, Texas.

See discussion on pages 10 through 12.

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Motion made by Representative Cook, seconded by Representative Rodriguez and unanimously carried to adjourn this meeting at 11:32 a.m.

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APPROVED AS TO CONTENT:

  
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Richarda Duffy Momsen, City Clerk

